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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/038,167
Filing Date: October 23, 2001
Appellant(s): BOEHLER ET AL.

Steven H. Noll (Reg. 28,982)
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 12-09-2005 appealing from the Office action mailed 3-24-2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

| | | |
|---------|-----------|---------|
| 5954650 | Saito | 9-1999 |
| 6461299 | Fenster | 10-2002 |
| 6259382 | Rosenberg | 6-2001 |

| | | |
|----------|----------|--------|
| 6601055 | Roberts | 7-2003 |
| 67525215 | Yamamoto | 4-2004 |

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims.

Claim Objection

3. Claim 6 is objected to minor informality. The symbol associated with 45 degree angle needs to be corrected.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negative by the manner in which the invention was made.

5. Claims 1-4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (USPN: 5,954,650) hereinafter Saito in view of Fenster et al. (USPN: 6,461,298 B1) hereinafter Fenster.

It seems that the user using the mouse to re-position a cursor on the screen, would cover the limitations of claim one. Here the user is able to move (*allowing influencing*) the cursor displayed on the screen (*the display of said image on said*

display unit) via a computers processing of how the mouse was moved in a certain direction (UP, UP/RIGHT, RIGHT, RIGHT/DOWN, DOWN, DOWN/LEFT, LEFT, AND LEFT/UP) and effecting a corresponding move of the displayed cursor (*by a plurality of different control functions respectively uniquely associated with different predetermined movement directions of said mouse*). However, as this is a rather broad reading of the claims the rejection, the rejection more closely related to the field of the applicant specification is recited below.

As per claim 1, Saito discloses a diagnostic device comprising:

An arrangement for generating raw data representing an object is taught by Saito as the technique of in display area 2, the image display are 1 is divided into three sections, namely, an upper part, a middle part and a lower part. An image imaged by an X-ray CT apparatus, for example, is displayed on the upper part as a base area, an image imaged by an MRI apparatus, for example, is displayed on the middle part as a match area 4 (see col. 4, lines 1-6 and see Fig. 1);

A computer supplied with said raw data for calculating image data from said raw data is taught by Saito as the technique of a display screen of an image display section is divided into an image display area and operation panel display area 2, the image display are 1 is divided into three sections, namely, an upper part, a middle part and a lower part. An image imaged by an X-ray CT apparatus, for example, is displayed on the upper part as a base area, an image imaged by an MRI apparatus, for example, is displayed on the middle part as a match area 4 (see col. 3 line 66 to col. 4 line 6 see Fig. 1);

An imaging system connected to said computer and supplied with said image data for generating input signals from said image data is taught by Saito as the technique of image display section 21 connected to CPU 27 and supplied with Image Input Interface 25 (see Fig. 3);

An input device connected to said imaging system and having a user operable mouse is taught by Saito as the technique of pointing unit 24 including mouse, keyboard connected to image display section 21 (see Fig. 3);

A display unit connected to said imaging system and supplied with said image data for generating input signals for displaying an image containing said object dependent on said image data for generating input signals is taught by Saito as the technique of a display screen of an image display section is divided into an image display area and operation panel display area 2, the image display area 1 is divided into three sections, namely, an upper part, a middle part and a lower part. An image imaged by an X-ray CT apparatus, for example, is displayed on the upper part as a base area, an image imaged by an MRI apparatus, for example, is displayed on the middle part as a match area 4 (see col. 3 line 66 to col. 4 line 6 see Fig. 1);

Said imaging system allowing influencing of the display of said image on said display unit by a plurality of control functions via said mouse is taught by Saito as the technique of the operation panel display 2 is composed of a control area 6, a rendering area 7, a mouse mode area 8 (see col. 4, lines 12-14), wherein the mouse mode area 8 is provided with mouse mode selecting keys 43 for selecting respective modes,

mentioned later, and a display panel 49 to be displayed according to a mode selected by the mouse mode selecting keys 43 (see col. 4, lines 28-32).

Saito, however, does not disclose the limitation of said image system influencing of the display of said image on said display unit by a plurality of different control functions respectively uniquely associated with different predetermined movement directions of said mouse, said input device having a detector which detects a movement of said mouse in one of said plurality of predetermined directions and said image system selecting the control function uniquely associated with said one of said plurality of said predetermined directions detected by said detector, to alter the display of said image on said display unit.

Fenster discloses the limitation of said image system influencing of the display of said image on said display unit by a plurality of different control functions respectively uniquely associated with different predetermined movement directions of said mouse, said input device having a detector which detects a movement of said mouse in one of said plurality of predetermined directions and said image system selecting the control function uniquely associated with said one of said plurality of said predetermined directions detected by said detector, to alter the display of said image on said display unit as the techniques of Figs 8a-8c show the model and three dimensional image within the main window display undergoing a rotation about a vertical axis as graphical input device 38 is moved to drag the cursor across the main window from mid right to mid left. Figs 9a to 9C show the model and three dimensional image within the main window display undergoing a rotation about a axis, angle at about

30 degree to the horizontal and slop up and to the right, as the graphical input device 38 is move **to drag the cursor across the main window from top left to bottom right** (see col. 13, lines 22-31 and see Figs. 8A-8C and 9A-9C).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Fenster's teaching of image system influencing of the display of said image on said display unit by a plurality of different control functions respectively uniquely associated with different predetermined movement directions of said mouse, said input device having a detector which detects a movement of said mouse in one of said plurality of predetermined directions and said image system selecting the control function uniquely associated with said one of said plurality of said predetermined directions detected by said detector, to alter the display of said image on said display unit into that Saito imaging system invention. By doing so, the system would be enhanced by providing user the sense of taking hold of the display image and pulling it around based on the object manipulation functionality tool through a quick and simple of cursor manipulation. Thus, the system would provide an enhance tool in graphical based user interface to an end user.

As per claim 2, Saito discloses the invention wherein said arrangement for generating raw data comprises an arrangement for generating raw data representing a volume of said object is taught by Saito as the technique of a three dimensional pseudo image is formed based on the coaxial tomogram data for plural pieces in the image processing section (see col. 6, lines 1-3), wherein said computer comprises a computer

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for calculating image data representing a three-dimensional image from said raw data wherein said imaging system comprises an imaging system for generating image signal from said image data and wherein said detector alters the display of said three-dimensional image on said display unit dependent on said movement of said mouse in one of said plurality of predetermined directions as the technique of the CPU 27 calculates a coordinate transform matrix such that the positions of the fit points set on the base images coincide with the positions of the corresponding fit point set on the match images, and aligns the match images with the base images based on the coordinates transformation matrix and displays them, and composes both the aligned images so as to form fusion images (see col. 22, lines 14-21), an electrical configuration of a medical image processing apparatus as shown in Fig. 3, and it has an image display section 21 composed of a monitor unit for displaying images, operation panel, etc. in the above area , a driver, etc., an image processing section 22 is forming a three dimensional pseudo image based on a plurality of two dimensional images imaged by the modalities such as the X-ray CT apparatus and MRI apparatus so as to display the three dimensional image on the image display section 21 (see col. 5, lines 16-19), and fit point changing keys 81 for changing the fit points displayed on the fit point coordinate display section 82, and a delete key 83 for canceling the fit points set to the base images displayed on the fit point number display section 80 (see col. 20, lines 19-24). This claim is therefore rejected for the reasons as set forth above.

As per claim 3, Saito discloses the limitation of wherein said control functions are selected from the group consisting of rotating said object in said three dimensional image, zooming of said object in said three dimensional image, rotating a clip plane in said three dimensional image, and displacing a clip plane in said three dimensional image as the technique of control functions of mouse mode for Rotate, Zoom (see Fig. 14), Rotate clip of any of Plane A, Plane B, and Plane C (see Fig. 2), and select any of Plane A, Plane B, and Plane C button (see Fig. 2). This claim is therefore rejected for the reason as set forth above.

As per claim 4, the limitation of wherein said detector automatically switches from one of said control functions to another upon a brief actuation of said mouse in said one of plurality of predetermined directions is taught by Saito as the technique of when the operator clicks the display mode switching key 41, the CPU 27 switches the display mode from the MPR display mode which is initial setting state to the surface display mode (see col. 19, lines 50-53). This claim is therefore rejected for the reasons a set forth above.

As per claim 9, Saito discloses the invention substantially as claimed above. Saito-Isaacs, however, does not disclose the limitation of said imaging system selects one of said control functions exclusively dependent on said one of said predetermined directions detected by said detector.

Fenster discloses the limitation of said imaging system selects one of said control functions exclusively dependent on said one of said predetermined directions detected by said detector as the technique of if a mouse is used in combination with a keyboard and a keyboard input is used to signify that it is desired to rotate a plane, the fixed point of rotations of the plane can be determined by the position of the mouse when it is clicked and the keyboard input signifying rotation of the plane is selected (see col. 19, lines 51-56) wherein the drag distance and drag direction values are used by the display module 92 to rotate the three dimensional image (see col. 13, lines 1-3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Fenster's teaching of said imaging system selects one of said control functions exclusively dependent on said one of said predetermined directions detected by said detector into that Saito invention. By doing so, the system would be enhanced by providing user capability of display another structural images correspond to different direction of dragging.

6. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (USPN: 5,954,650) hereinafter Saito and Fenster in view of Yamamoto (USPN: 6,725,215).

As per claim 5, Saito and Fenster disclose the invention substantial as claimed above. Saito and Fenster, however, do not disclose the limitation of wherein said detector comprises a detector for detecting four defined directions, respectively corresponding to different control functions, by gesture selection.

Yamamoto discloses the limitation of a detector for detecting four defined directions, respectively corresponding to different control functions, by gesture selection as the technique of the set of cursor keys 302 comprises an up-move key 311, a down-move key 313, a left-move key 312 and a right move key 314 for moving a cursor in the up, down, left and right directions, respectively (see col. 11, lines 43-46), channel 15 will be sequentially selected every time an up-move key is presses (see col. 11, lines 57-58), the down-move key 313 to change the channel number (see col. 12, lines 9-10), and when the user operation panel including the up/down and left/right keys for moving the cursor in the corresponding directions as shown in Fig. 3, the cursor movement operation in the left/right direction may be assigned for the movement operation along the time axis. For example, the left-move key may be assigned to the shifting operation toward a program just before the current program in the virtual channel, and the right-move key may be assigned to the shifting operation toward a program just alter the current program in the virtual channel (see col. 12, lines 44-53).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Yamamoto's teaching of a detector for detecting four defined directions, respectively corresponding to different control functions, by gesture selection into that of Saito and Fenster. By doing so, the system would be enhanced by allowing user to change the content of the data based on selection detected by keyed control direction.

7. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (USPN: 5,954,650) hereinafter Saito and Fenster in view of Rosenberg (USPN: 6,259,382).

As per claim 6, Saito and Fenster disclose the invention substantial as claimed above. Saito and Fenster, however, do not disclose the limitation of wherein said plurality of predetermined directions are respectively oriented at angle 45 degree relative to a Cartesian coordinate system.

Rosenberg discloses the limitation of plurality of predetermined directions are respectively oriented at angle 45 degree relative to a Cartesian coordinate system as the technique of constraining motion to perpendicular or 45-degree angle directions (see col. 32, lines 64-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Rosenberg's teaching of 45-degree angle constraining directions into that of Saito and Fenster. By doing so, the system would be enhanced by

providing certain edges or regions on the object. Thus, when a cursor or a mouse movement passes through certain region, it would provide feedback to its end user.

8. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (USPN: 5,954,650) hereinafter Saito and Fenster in view of Roberts (USPN: 6,601,055).

As per claim 7, Saito and Fenster disclose the invention substantial as claimed above. Saito and Fenster, however, do not disclose the limitation of upon right-clicking of said mouse causes a text menu to be displayed on said display which symbolizes said plurality of predetermined directions and includes associated text explanations.

Roberts discloses the limitation of upon right-clicking of said mouse causes a text menu to be displayed on said display which symbolizes said plurality of predetermined directions and includes associated text explanations as the technique of the user can right-click with the mouse on the node name and obtain detailed information on that node. For example, if the user viewing a screen like Fig. 45 were to click on the "Age in 5 year intervals" box 26, the user may be presented with a screen like the one depicted in Fig. 46 (see col. 45, lines 35-40 and see Fig. 45-46) and the user can click a button on the group of buttons associated with text explanation of: Breast Cancer, Risk Factor, Physical Hx, and Mammography (see Fig. 44).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Roberts' teaching of upon right-clicking of said mouse causes a text menu to be displayed on said display which symbolizes said plurality of predetermined directions and includes associated text explanations into that of Saito

and Fenster. By doing so, the system would be enhanced by providing detailed text menu buttons tool to an end user wherein the end user can easily perform selection by single click operation.

As per claim 8, Saito and Fenster discloses the invention substantially as claimed above. Saito and Fenster, however, do not disclose the limitation of upon briefly right-click of said mouse, displays a text menu identifying said plurality of control functions on said display.

Roberts discloses the limitation of upon briefly right-click of said mouse, displays a text menu identifying said plurality of control functions on said display as the technique of the user can right-click with the mouse on the node name and obtain detailed information on that node. For example, if the user viewing a screen like Fig. 45 were to click on the "Age in 5 year intervals" box 26, the user may be presented with a screen like the one depicted in Fig. 46 (see col. 45, lines 35-40 and see Fig. 45-46) and the user can click a button on the group of buttons associated with control functions of: Breast Cancer, Risk Factor, Physical Hx, and Mammography (see Fig. 44).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Roberts' teaching of upon briefly right-click of said mouse, displays a text menu identifying said plurality of control functions on said display into that of Saito and Fenster. By doing so, the system would be enhanced by providing control functions of menu buttons to an end user wherein the end user can easily perform by single click selection operation.

(10) Response to Argument

Claims 1-4 and 9:

With respect to the arguments directed at the claims including Claims 1-4 and 9 the Appellant's arguments are focused on the limitations regarding the existence of a plurality of different control functions, in the cited references. More specifically, as stated from representative Claim 1, the limitation argued is:

"...allowing influencing of the display of said image on said display unit by a plurality of different control functions respectively uniquely associated with different predetermined movement directions of said mouse..."

Since the interpretation of the limitation is the basis for the arguments, the Examiner's interpretation is now given. The claim, as interpreted by the examiner, pertains to a graphical user interface (GUI) object's representation is modified on the display responsive to mouse movements. The claim language does not limit the invention to anything more than a user using a mouse to effect a change (position a cursor) on the screen.

Here the user is able to move (*allowing influencing*) the cursor displayed on the screen (*the display of said image on said display unit*) via a computers processing of how the mouse was moved in a certain direction (UP, UP/RIGHT, RIGHT, RIGHT/DOWN, DOWN, DOWN/LEFT, LEFT, AND LEFT/UP) and effecting a

corresponding move of the displayed cursor (*by a plurality of different control functions respectively uniquely associated with different predetermined movement directions of said mouse*).

As stated in the eighth paragraph of MPEP 2101[R2].II.C.,

"Office personnel are to give claims their broadest reasonable interpretation in light of the supporting disclosure. In re Morris, 127 F.3d 1048, 1054-55, 44 USPQ2d 1023,1027-28 (Fed. Cir. 1997)."

Based on the interpretation of the claim limitations being argued, the Examiner will now explain how the teachings of the Saito and Fenster references are within the scope of these limitations.

As per claim 1, Saito discloses a diagnostic device comprising: An arrangement for generating raw data representing an object is taught by Saito as the technique of in display area 2, the image display 1 is divided into three sections, namely, an upper part, a middle part and a lower part. An image imaged by an X-ray CT apparatus, for example, is displayed on the upper part as a base area, an image imaged by an MRI apparatus, for example, is displayed on the middle part as a match area 4 (see col. 4, lines 1-6 and see Fig. 1); A computer supplied with said raw data for calculating image data from said raw data is taught by Saito as the technique of a display screen of an

image display section is divided into an image display area and operation panel display area 2, the image display 1 is divided into three sections, namely, an upper part, a middle part and a lower part. An image imaged by an X-ray CT apparatus, for example, is displayed on the upper part as a base area, an image imaged by an MRI apparatus, for example, is displayed on the middle part as a match area 4 (see col. 3 line 66 to col. 4 line 6 see Fig. 1); An imaging system connected to said computer and supplied with said image data for generating input signals from said image data is taught by Saito as the technique of image display section 21 connected to CPU 27 and supplied with Image Input Interface 25 (see Fig. 3); An input device connected to said imaging system and having a user operable mouse is taught by Saito as the technique of pointing unit 24 including mouse, keyboard connected to image display section 21 (see Fig. 3); A display unit connected to said imaging system and supplied with said image data for generating input signals for displaying an image containing said object dependent on said image data for generating input signals is taught by Saito as the technique of a display screen of an image display section is divided into an image display area and operation panel display area 2, the image display 1 is divided into three sections, namely, an upper part, a middle part and a lower part. An image imaged by an X-ray CT apparatus, for example, is displayed on the upper part as a base area, an image imaged by an MRI apparatus, for example, is displayed on the middle part as a match area 4 (see col. 3 line 66 to col. 4 line 6 see Fig. 1); Said imaging system allowing influencing of the display of said image on said display unit by a plurality of control functions via said mouse is taught by Saito as the technique of the operation

panel display 2 is composed of a control area 6, a rendering area 7, a mouse mode area 8 (see col. 4, lines 12-14), wherein the mouse mode area 8 is provided with mouse mode selecting keys 43 for selecting respective modes, mentioned later, and a display panel 49 to be displayed according to a mode selected by the mouse mode selecting keys 43 (see col. 4, lines 28-32). Saito, however, does not disclose the limitation of said image system influencing of the display of said image on said display unit by a plurality of different control functions respectively uniquely associated with different predetermined movement directions of said mouse, said input device having a detector which detects a movement of said mouse in one of said plurality of predetermined directions and said image system selecting the control function uniquely associated with said one of said plurality of said predetermined directions detected by said detector, to alter the display of said image on said display unit.

Fenster discloses the limitation of said image system influencing of the display of said image on said display unit by a plurality of different control functions respectively uniquely associated with different predetermined movement directions of said mouse, said input device having a detector which detects a movement of said mouse in one of said plurality of predetermined directions and said image system selecting the control function uniquely associated with said one of said plurality of said predetermined directions detected by said detector, to alter the display of said image on said display unit as the techniques of Figs 8a-8c show the model and three dimensional image within the main window display undergoing a rotation about a vertical axis as graphical input device 38 (mouse 38) is moved to drag the cursor across the main

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window from mid right to mid left. Figs 9a to 9C show the model and three dimensional image within the main window display undergoing a rotation about a axis, angle at about 30 degree to the horizontal and slop up and to the right, as the graphical input device 38 is move to drag the cursor across the main window from top left to bottom right (see col. 13, lines 22-31 and see Figs. 8A-8C and 9A-9C).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Fenster's teaching of image system influencing of the display of said image on said display unit by a plurality of different control functions respectively uniquely associated with different predetermined movement directions of said mouse, said input device having a detector which detects a movement of said mouse in one of said plurality of predetermined directions and said image system selecting the control function uniquely associated with said one of said plurality of said predetermined directions detected by said detector, to alter the display of said image on said display unit into that Saito imaging system invention. By doing so, the system would be enhanced by providing user the sense of taking hold of the display image and pulling it around based on the object manipulation functionality tool through a quick and simple of cursor manipulation. Thus, the system would provide an enhance tool in graphical based user interface to an end user.

The examiner will now address the individual arguments and statements made by Appellant.

From page 7 of the Appeal Brief, from the third paragraph, the Appellant argues that Fenster does “not provide for a teaching to detect and implement different control functions dependent on the detected direction or movement”.

The examiner respectfully contends that Fenster teaches, in column 13, lines 21-34 and in figures 8a-8c and 9a-9c, a three-dimensional image being rotated by a user via input device manipulations. In this system a display module 92 monitors a graphical input device 38 (mouse) to detect input commands (see column 11, lines 28-35), when input is detected a corresponding rotation of the displayed image is depicted on the display device (see column 12, lines 13-21). Each detected directional movement of the mouse (UP, UP/RIGHT, RIGHT, RIGHT/DOWN, DOWN, DOWN/LEFT, LEFT, AND LEFT/UP) has a corresponding different function associated with it (rotate on screen depiction UP, UP/RIGHT, RIGHT, RIGHT/DOWN, DOWN, DOWN/LEFT, LEFT, AND LEFT/UP respectively).

From page 8 of the Appeal Brief, from the first paragraph, the Appellant argues that “it is always the same control function in the Fenster et al. reference that is being implemented on such a changing input.”

The examiner respectfully contends rotation around the X-axis, the Y-axis, or a combination of both, are separate control functions, uniquely associated with corresponding mouse events.

Claim 5:

With respect to the arguments directed at the claims including Claim 5 the Appellant's arguments are focused on the limitations regarding the existence of a plurality of different control functions, in the cited references.

As shown above Fenster, and seemingly any graphical user interface where a user manipulates a mouse to effect a change in a cursor position on a screen, cover the limitations of independent claim 1.

From page 12 of the Appeal Brief, from the second and third paragraphs, the Appellant states that the examiner may have made an oversight in omitting the Fenster reference which was relied upon in the independent claim, from the rejection of claim 5, dependent on claim 1.

The examiner agrees that the previous examiner had made a typographical error in omitting the reference from the dependent claim rejection. The omission has been cleared up as shown by the claim rejections displayed above.

Claim 6:

With respect to the arguments directed at the claims including Claim 6 the Appellant's arguments are focused on the limitations regarding the existence of a plurality of different control functions, in the cited references.

As shown above Fenster, and seemingly any graphical user interface where a user manipulates a mouse to effect a change in a cursor position on a screen, cover the limitations of independent claim 1.

From page 12 of the Appeal Brief, from the second and third paragraphs, the Appellant states that the examiner may have made an oversight in omitting the Fenster reference which was relied upon in the independent claim, from the rejection of claim 6, dependent on claim 1.

The examiner agrees that the previous examiner had made a typographical error in omitting the reference from the dependent claim rejection. The omission has been cleared up as shown by the claim rejections displayed above.

Claim 7 and 8:

With respect to the arguments directed at the claims including Claims 7 and 8 the Appellant's arguments are focused on the limitations regarding the existence of a plurality of different control functions, in the cited references.

As shown above Fenster, and seemingly any graphical user interface where a user manipulates a mouse to effect a change in a cursor position on a screen, cover the limitations of independent claim 1.

From page 12 of the Appeal Brief, from the second and third paragraphs, the Appellant states that the examiner may have made an oversight in omitting

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the Fenster reference which was relied upon in the independent claim, from the rejection of claims 7 and 8, dependent on claim 1.

The examiner agrees that the previous examiner had made a typographical error in omitting the reference from the dependent claim rejection. The omission has been cleared up as shown by the claim rejections displayed above.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.


Respectfully submitted,

Conferees:



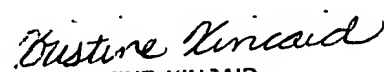
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